
SENATE BILL 6287

State of Washington 59th Legislature 2006 Regular Session

By Senators Fairley, Thibaudeau and Shin

Read first time 01/10/2006. Referred to Committee on Transportation.

1 AN ACT Relating to special parking privileges for legally blind
2 persons; and amending RCW 46.16.381.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.16.381 and 2005 c 390 s 2 are each amended to read
5 as follows:

6 (1) The director shall grant special parking privileges to any
7 person who has a disability that limits or impairs the ability to walk
8 and meets one of the following criteria, as determined by a licensed
9 physician or an advanced registered nurse practitioner licensed under
10 chapter 18.79 RCW:

- 11 (a) Cannot walk two hundred feet without stopping to rest;
- 12 (b) Is severely limited in ability to walk due to arthritic,
13 neurological, or orthopedic condition;
- 14 (c) Is so severely disabled, that the person cannot walk without
15 the use of or assistance from a brace, cane, another person, prosthetic
16 device, wheelchair, or other assistive device;
- 17 (d) Uses portable oxygen;
- 18 (e) Is restricted by lung disease to such an extent that forced

1 expiratory respiratory volume, when measured by spirometry is less than
2 one liter per second or the arterial oxygen tension is less than sixty
3 mm/hg on room air at rest;

4 (f) Impairment by cardiovascular disease or cardiac condition to
5 the extent that the person's functional limitations are classified as
6 class III or IV under standards accepted by the American Heart
7 Association; ((~~or~~))

8 (g) Has a disability resulting from an acute sensitivity to
9 automobile emissions which limits or impairs the ability to walk. The
10 personal physician or advanced registered nurse practitioner of the
11 applicant shall document that the disability is comparable in severity
12 to the others listed in this subsection; or

13 (h) Is legally blind.

14 (2) The applications for parking permits for persons with
15 disabilities and parking permits for persons with temporary
16 disabilities are official state documents. Knowingly providing false
17 information in conjunction with the application is a gross misdemeanor
18 punishable under chapter 9A.20 RCW. The following statement must
19 appear on each application form immediately below the physician's or
20 advanced registered nurse practitioner's signature and immediately
21 below the applicant's signature: "A parking permit for a person with
22 disabilities may be issued only for a medical necessity that severely
23 affects mobility (RCW 46.16.381). Knowingly providing false
24 information on this application is a gross misdemeanor. The penalty is
25 up to one year in jail and a fine of up to \$5,000 or both."

26 (3) Persons who qualify for special parking privileges are entitled
27 to receive from the department of licensing a removable windshield
28 placard bearing the international symbol of access and an individual
29 serial number, along with a special identification card bearing the
30 name and date of birth of the person to whom the placard is issued, and
31 the placard's serial number. The special identification card shall be
32 issued no later than January 1, 2000, to all persons who are issued
33 parking placards, including those issued for temporary disabilities,
34 and special parking license plates for persons with disabilities. The
35 department shall design the placard to be displayed when the vehicle is
36 parked by suspending it from the rearview mirror, or in the absence of
37 a rearview mirror the card may be displayed on the dashboard of any
38 vehicle used to transport the person with disabilities. Instead of

1 regular motor vehicle license plates, persons with disabilities are
2 entitled to receive special license plates under this section or RCW
3 46.16.385 bearing the international symbol of access for one vehicle
4 registered in the name of the person with disabilities. Persons with
5 disabilities who are not issued the special license plates are entitled
6 to receive a second special placard upon submitting a written request
7 to the department. Persons who have been issued the parking privileges
8 and who are using a vehicle or are riding in a vehicle displaying the
9 placard or special license plates issued under this section or RCW
10 46.16.385 may park in places reserved for persons with physical
11 disabilities. The director shall adopt rules providing for the
12 issuance of special placards and license plates to public
13 transportation authorities, nursing homes licensed under chapter 18.51
14 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen
15 centers, private nonprofit agencies as defined in chapter 24.03 RCW,
16 and vehicles registered with the department as cabulances that
17 regularly transport persons with disabilities who have been determined
18 eligible for special parking privileges provided under this section.
19 The director may issue special license plates for a vehicle registered
20 in the name of the public transportation authority, nursing home,
21 boarding home, senior citizen center, private nonprofit agency, or
22 cabulance service if the vehicle is primarily used to transport persons
23 with disabilities described in this section. Public transportation
24 authorities, nursing homes, boarding homes, senior citizen centers,
25 private nonprofit agencies, and cabulance services are responsible for
26 insuring that the special placards and license plates are not used
27 improperly and are responsible for all fines and penalties for improper
28 use.

29 (4) Whenever the person with disabilities transfers or assigns his
30 or her interest in the vehicle, the special license plates shall be
31 removed from the motor vehicle. If another vehicle is acquired by the
32 person with disabilities and the vehicle owner qualifies for a special
33 plate, the plate shall be attached to the vehicle, and the director
34 shall be immediately notified of the transfer of the plate. If another
35 vehicle is not acquired by the person with disabilities, the removed
36 plate shall be immediately surrendered to the director.

37 (5) The special license plate shall be renewed in the same manner
38 and at the time required for the renewal of regular motor vehicle

1 license plates under this chapter. No special license plate may be
2 issued to a person who is temporarily disabled. A person who has a
3 condition expected to improve within six months may be issued a
4 temporary placard for a period not to exceed six months. If the
5 condition exists after six months a new temporary placard shall be
6 issued upon receipt of a new certification from the person's physician.
7 The permanent parking placard and identification card of a person with
8 disabilities shall be renewed at least every five years, as required by
9 the director, by satisfactory proof of the right to continued use of
10 the privileges. In the event of the permit holder's death, the parking
11 placard and identification card must be immediately surrendered to the
12 department. The department shall match and purge its data base of
13 parking permits issued to persons with disabilities with available
14 death record information at least every twelve months.

15 (6) Each person with disabilities who has been issued a permanent
16 parking permit on or before July 1, 1998, must renew the permit no
17 later than July 1, 2003, subject to a schedule to be set by the
18 department, or the permit will expire.

19 (7) Additional fees shall not be charged for the issuance of the
20 special placards or the identification cards. No additional fee may be
21 charged for the issuance of the special license plates except the
22 regular motor vehicle registration fee and any other fees and taxes
23 required to be paid upon registration of a motor vehicle.

24 (8) Any unauthorized use of the special placard, special license
25 plate issued under this section or RCW 46.16.385, or identification
26 card is a traffic infraction with a monetary penalty of two hundred
27 fifty dollars.

28 (9) It is a parking infraction, with a monetary penalty of two
29 hundred fifty dollars for a person to make inaccessible the access
30 aisle located next to a space reserved for persons with physical
31 disabilities. The clerk of the court shall report all violations
32 related to this subsection to the department.

33 (10) It is a parking infraction, with a monetary penalty of two
34 hundred fifty dollars for any person to park a vehicle in a parking
35 place provided on private property without charge or on public property
36 reserved for persons with physical disabilities without a placard or
37 special license plate issued under this section or RCW 46.16.385. If
38 a person is charged with a violation, the person shall not be

1 determined to have committed an infraction if the person produces in
2 court or before the court appearance the placard or special license
3 plate issued under this section or RCW 46.16.385 required under this
4 section. A local jurisdiction providing nonmetered, on-street parking
5 places reserved for persons with physical disabilities may impose by
6 ordinance time restrictions of no less than four hours on the use of
7 these parking places. A local jurisdiction may impose by ordinance
8 time restrictions of no less than four hours on the use of nonreserved,
9 on-street parking spaces by vehicles displaying the special parking
10 placards or special license plates issued under this section or RCW
11 46.16.385. All time restrictions must be clearly posted.

12 (11) The penalties imposed under subsections (9) and (10) of this
13 section shall be used by that local jurisdiction exclusively for law
14 enforcement. The court may also impose an additional penalty
15 sufficient to reimburse the local jurisdiction for any costs it may
16 have incurred in removal and storage of the improperly parked vehicle.

17 (12) Except as provided by subsection (2) of this section, it is a
18 traffic infraction with a monetary penalty of two hundred fifty dollars
19 for any person willfully to obtain a special license plate issued under
20 this section or RCW 46.16.385, placard, or identification card in a
21 manner other than that established under this section.

22 (13)(a) A law enforcement agency authorized to enforce parking laws
23 may appoint volunteers, with a limited commission, to issue notices of
24 infractions for violations of this section or RCW 46.61.581.
25 Volunteers must be at least twenty-one years of age. The law
26 enforcement agency appointing volunteers may establish any other
27 qualifications the agency deems desirable.

28 (b) An agency appointing volunteers under this section must provide
29 training to the volunteers before authorizing them to issue notices of
30 infractions.

31 (c) A notice of infraction issued by a volunteer appointed under
32 this subsection has the same force and effect as a notice of infraction
33 issued by a police officer for the same offense.

34 (d) A police officer or a volunteer may request a person to show
35 the person's identification card or special parking placard when
36 investigating the possibility of a violation of this section. If the
37 request is refused, the person in charge of the vehicle may be issued
38 a notice of infraction for a violation of this section.

1 (14) For second or subsequent violations of this section, in
2 addition to a monetary fine, the violator must complete a minimum of
3 forty hours of:

4 (a) Community restitution for a nonprofit organization that serves
5 persons having disabilities or disabling diseases; or

6 (b) Any other community restitution that may sensitize the violator
7 to the needs and obstacles faced by persons who have disabilities.

8 (15) The court may not suspend more than one-half of any fine
9 imposed under subsection (8), (9), (10), or (12) of this section.

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